

Subject: FW: Amendment 7

Date: Monday, May 15, 2017 at 4:19:06 PM Pacific Daylight Time

From: Zeppetello, Marc@BCDC

To: Ogata, Gregory@BCDC

Please file hard copy and electronic.

From: David Smith <dsmith@sticeblock.com>

Date: Monday, May 15, 2017 at 3:30 PM

To: Marc Zeppetello <Marc.Zeppetello@bcdca.gov>

Cc: "Mark L. Sanders - (mark@westpointharbor.com)" <mark@westpointharbor.com>, "McCrea, Brad@BCDC" <brad.mccrea@bcdca.gov>

Subject: Amendment 7

Good Afternoon, Marc.

Thank you again for your assistance in the preparation and processing of Amendment 7. At our meeting on 5/10, you asked that Mark Sanders execute the Amendment and that we transmit it to you, along with several requested assurances, by today, Monday, May 15. This email is intended to serve that purpose. The executed Amendment is attached. Mark will be transmitting the original to Brad McCrae this afternoon via the mail.

As for the requested timing of completion of the installation of the fence, as we discussed, Mark had called his two main contractors for such work and both noted a backlog of approximately six weeks before they could begin work. Since that time, Mark has issued RFPs for the fence formally from those two and at least one other contractor. We are hopeful we can reduce that six-week estimate, but cannot provide any solid assurance to that end yet. Once work commences, we would estimate it would take approximately one week, and certainly not more than two (weather permitting), to get the fence constructed. We will keep you apprised of our progress in this regard.

As for "unauthorized signs": Mark will remove signage which some may feel may have the unintended effect of dissuading public access to and use of public access areas. For example, "Members and Guests Only" signs will be restricted to areas at and adjacent to the access gates for the private berths. They will not be present adjacent to Public Access or Bay Trail signage. Also, signs in and around the retail area that will be fenced that reference the Redwood City CUP number purporting to restrict access will be removed. As you know, a comprehensive signage plan will be completed with our global resolution of pending concerns in the future, but these interim steps hopefully will correct any impact of existing signs that may have unintentionally dissuaded the public from utilizing completed public access areas and amenities. (We do note that there has been some confusion in the past as to signs installed by Cargill on Cargill property adjacent to marina property, and we obviously have no control over those.)

As to the restroom in the Harbormaster's House, access will be unlocked and unrestricted during daylight hours immediately. We know that this is subject to ongoing discussion for ultimate resolution, and we appreciate your understanding on this interim agreement.

Finally, as I mentioned to you, there is an issue of access within the to-be-fenced retail areas. Mark's submitted plan showed two proposed gate locations. The 2012 plans on which Amendment 7 is premised do not address internal gates or access points. We recognize and understand staff's concerns about such access points potentially threatening public access paths and landscaping, and we appreciate your recognition that at least one gate is appropriate. We would appreciate the opportunity to further explain the rationale and

need for the gates (and we now realize an additional, smaller gate will be required in the more northern portion of the area). The need is based upon, among other things, fire and police activities and transporting of equipment from boats at the transient dock to land vehicles. We believe we can propose a configuration that allows the necessary access without implicating concerns for traversing public access areas detrimentally. Again, we are just requesting that this conversation continue so that we can reach a mutually agreeable resolution prior to commencement of the contractors' work installing the fence.

Marc, hopefully this is satisfactory in light of your request on May 10. If any of this fails to adequately address your concerns we discussed at that time, please do let me know as soon as possible. Otherwise, we look forward to continuing our discussions on the more global resolution of permit concerns.

Again, many thanks for your assistance. D.



DAVID C. SMITH

Partner

dsmith@sticeblock.com

PHONE 510.735.0034 | **MOBILE** 949.923.8170

2335 Broadway, Suite 201, Oakland, CA 94612

4343 Von Karman Ave., 3rd Floor West, Newport Beach, CA 92660

PERMIT NO. 2002.002.07

Mark Sanders

(Issued on August 21, 2003, As

Amended Through May 9, 2017)

AMENDMENT NO. SEVEN

Page 46

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLZBAND

Executive Director

San Francisco Bay Conservation and
Development Commission

By:

BRAD MCCREA

Regulatory Program Director

BM/AK/go

cc: U. S. Army Corps of Engineers, Attn.: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn.: Certification Section
Environmental Protection Agency, Attn.: Mike Monroe, WTR-8
City of Redwood City Planning Department

* * * * *
Receipt acknowledged, contents understood and agreed to:

Executed at

REDWOOD CITY
CA

Mark Sanders

On

MAY 12, 2017

By:

MARK SANDERS
PRESIDENT, WPU LLC

Title

PLEASE SEE ATTACHED
ACKNOWLEDGEMENT/JURAT
FROM NOTARY PUBLIC

Executed Permit